

**REMARKS**

By the present Amendment, Applicants amend claims 1, 3, 6, and 7 to more appropriately claim the invention. No new matter has been added. Upon entry of this Amendment, claims 1-31 remain pending with claims 1-9 being under consideration and claims 10-31 being withdrawn as drawn to a non-elected invention.

In the Office Action dated May 28, 2003, the Examiner rejected claims 1-9 under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 5,926,796 to *Walker*.

Applicants respectfully submit that claims 1-9, as amended, are allowable over the cited reference for at least the following reasons.

To anticipate claims 1-9 under 35 U.S.C. §102(a), *Walker*, taken individually, must disclose each and every element recited in the claims. M.P.E.P. § 2131.01 (8<sup>th</sup> ed. 2001, revised February 2003). *Walker* fails to do so, therefore, the rejections under section 102(a) should be withdrawn.

*Walker* discloses a point-of-sale (POS) terminal, a POS controller, and a retailer subscription system. See Abstract. *Walker's* POS controller maintains databases on available subscriptions and produces databases containing data relating to subscriptions sold to customers." See id.

Amended independent claim 1 recites, among other things, "transmitting information inputted by a customer from the customer computer to the first merchant computer in response to the offer." Thus, in the present invention, in response to the offer, information transmitted from the customer computer to the first merchant computer is, at least, information inputted by a customer.

In contrast, in *Walker*, the "POS terminal allows a cashier to enter sales data." (Emphasis added). See col. 6, ll. 4-5. Further, *Walker's* customer 110 "transacts with a cashier at POS terminal 120 to purchase ... a subscription, and a cashier transacts in turn with retail subscription system 130." See col. 6, ll. 17-21 and Fig. 1. For at least these reasons, *Walker* fails to disclose or suggest each and every element recited in amended claim 1.

Therefore, Applicants respectfully request the reconsideration and withdrawal of the section 102(a) rejection of claim 1.

Amended independent claim 7 contains similar recitations to amended claim 1. Therefore, for at least the reasons given above with respect to claim 1, *Walker* fails to disclose or suggest each and every element of claim 7. Therefore, Applicants respectfully request the reconsideration and withdrawal of the section 102(a) rejection of claim 7.

Claims 2-6 depend from claim 1, claims 8 and 9 depend from claim 7. Therefore, for at least the reasons given above with respect to independent claims 1 and 7, *Walker* fails to disclose or suggest every recitation of claims 2-6 and 8-9. Applicants respectfully request the reconsideration and withdrawal of the section 102(a) rejection of claims 2-6 and 8-9.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

**RESPONSE UNDER 37 C.F.R. § 1.111**

**PATENT**

Customer No. 22,852

Application No.: 09/473,649

Filed: December 28, 1999

Attorney Docket No. 7019-0004-00

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 26, 2003

By: 

Richard V. Burgujian  
Reg. No. 31,744

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)